

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ORDER

Before the Court is Defendants' Motion to Dismiss [Doc. No. 6] under Fed. R. Civ. P. 12(b)(6). Plaintiff has responded by filing the Amended Complaint [Doc. No. 11], as authorized by Fed. R. Civ. P. 15(a)(1)(B) and the Order of July 14, 2020 [Doc. No. 9]. The Court finds Defendants' Motion directed at the original Complaint is moot. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (amended complaint supersedes the original); *see also Predator Int'l, Inc. v. Gamo Outdoor USA, Inc.*, 793 F.3d 1177, 1180-81 (10th Cir. 2015); *Mink v. Suthers*, 482 F.3d 1244, 1254 (10th Cir. 2007).

IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss [Doc. No. 6] is DENIED without prejudice to a new filing in response the Amended Complaint.

IT IS SO ORDERED this 29th day of July, 2020.

Timothy D. DeGiusti